

1 Christopher D. Banys (State Bar No. 230038) DOUGLAS E. LUMISH (Bar No. 183863)
2 Richard C. Lin (State Bar No. 209233) doug.lumish@lw.com
3 Jennifer L. Gilbert (State Bar No. 255820) JEFFREY G. HOMRIG (Bar No. 215890)
4 Eric J. Sidebotham (State Bar No. 208829) jeff.homrig@lw.com
5 cdb@banyspc.com EUGENE CHIU (*pro hac vice*)
rcl@banyspc.com eugene.chiu@lw.com
jlg@banyspc.com LINFONG TZENG (Bar No. 281798)
ejs@banyspc.com linfong.tzeng@lw.com
BANYS, P.C. LATHAM & WATKINS LLP
1032 Elwell Court, Suite 100 140 Scott Drive
Palo Alto, California 94303 Menlo Park, California 94025
Telephone: (650) 308-8505 Telephone: +1.650.328.4600
Facsimile: (650) 353-2202 Facsimile: +1.650.463.2600

8 Attorneys for Plaintiff JOSEPH. H. LEE (Bar No. 248046)
9 BENJAMIN GROBLER joseph.lee@lw.com
10
11
12 LATHAM & WATKINS LLP
13 650 Town Center Drive, 20th Floor
14 Costa Mesa, California 92626
15 Telephone: +1.714.540.1235
Facsimile: +1.714.755.8290

16 KATHY YU (Bar No. 268210)
17 kathy.yu@lw.com
18 LATHAM & WATKINS LLP
19 355 South Grand Avenue
20 Los Angeles, California 90071
21 Telephone: +1.213.485.1234
Facsimile: +1.213.891.8763

22 Attorneys for Defendant APPLE INC.

23
24 UNITED STATES DISTRICT COURT
25 NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

26 BENJAMIN GROBLER,
27 Plaintiff,
28 v.
APPLE INC.,
Defendant.

Case No. 12-cv-01534-JST (JSC)

**JOINT MOTION TO DISMISS
APPLE INC. WITH PREJUDICE**

26
27 Plaintiff Benjamin Grobler (“Grobler”) and Defendant Apple Inc. (“Apple”) announce to the
28 Court that they have settled their claims for relief asserted in this cause and thus move this Court to

1 dismiss with prejudice all pending claims by Grobler against Apple, and dismiss without prejudice
2 all pending counterclaims by Apple against Grobler. Grobler further requests that such dismissal
3 occur after the Court has ruled on Grobler's pending Unopposed Motion to Vacate Claim
4 Construction Order (Dkt. No. 126). Each party is to bear its own costs and fees. A proposed order
5 accompanies this Motion.

6

7 Dated: July 17, 2014

Respectfully submitted,

8

/s/ Christopher D. Banys

9

Christopher D. Banys

(SBN 230038)

10

Richard C. Lin

(SBN 209233)

11

Jennifer L. Gilbert

(SBN 255820)

12

Eric J. Sidebotham

(SBN 208829)

13

BANYS, P.C.

14

1032 Elwell Court, Suite 100

15

Palo Alto, CA 94303

16

Tel: (650) 308-8505

17

Fax: (650) 353-2202

18

Attorneys for Plaintiff
Benjamin Grobler

19

/s/ Jeffrey G. Homrig

20

Douglas E. Lumish

21

Jeffrey G. Homrig

22

Joseph H. Lee

23

Eugene Chiu (*pro hac vice*)

24

Kathy Yu

25

Attorneys for Defendant APPLE INC.

26

27

28

1 I, Eugene Chiu, am the ECF User whose ID and password are being used to file this JOINT
2 MOTION TO DISMISS APPLE INC. WITH PREJUDICE. In compliance with Civil Local Rule
3 5-1(i)(3), I hereby attest that counsel whose e-signatures appear on the foregoing page have
4 concurred with this filing.

5 /s/ Eugene Chiu
6 Eugene Chiu

7
8 SV\1368745.1
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28